

REMARKS

In accordance with the foregoing, claims 1-48 are pending and under consideration. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §101:

Claims 1-48 are rejected under 35 U.S.C. §101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility. The rejection is traversed and reconsideration is respectfully requested. Specifically, Applicants submit that one of ordinary skill in the art does not consider an HTML or XML file to be an area of a buffer, as the Examiner suggests. The Examiner has not provided evidence that one of ordinary skill in the art would understand a buffer to be a file. Furthermore, Applicants clarify that the updateable markup area of the buffer is simply an area in the buffer to store updateable markup files. As it is undisputed that buffer management is useful under 35 U.S.C. §101, it is respectfully requested that the Examiner reconsider and withdraw the rejection.

REJECTIONS UNDER 35 U.S.C. §112:

Claims 1-48 are rejected under 35 U.S.C. §112, first paragraph. Specifically, since the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention. The rejection is traversed and reconsideration is respectfully requested. Specifically, Applicants submit that one of ordinary skill in the art does not consider an HTML or XML file to be an area of a buffer, as the Examiner suggests. Furthermore, Applicants clarify that the updateable markup area of the buffer is simply an area in the buffer to store updateable markup files. As such, it is the Examiner's interpretation which is the basis for such a rejection, and the Examiner's interpretation is not how one of ordinary skill in the art would understand the invention as claimed. Therefore, it is respectfully requested that the Examiner reconsider and withdraw the rejection of the invention as claimed.

REJECTIONS UNDER DOUBLE PATENTING:

Claims 1-48 are rejected on the ground of nonstatutory double patenting over claims 1-53 of U.S. Patent No. 7,200,683 since the claims, if allowed, would improperly extend the “right to exclude” already granted in the patent. Since claims 1-48 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature.

As such, it is respectfully requested that Applicants be allowed to address any provisional obviousness-type double patenting issues remaining once the rejections of the claims under 35 U.S.C. §§ 101, 102 and 112 are resolved. Furthermore, it is noted that claim 1 of the ‘683 patent does not recite an ENAV buffer and ENAV files, and there is insufficient evidence of a motivation to use the recited method of the ‘683 patent in an ENAV buffer and/or interactive data as recited in claims 1-48.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1-48 are rejected under 35 U.S.C. §102(e) as being anticipated by Fay et al. (U.S. Publication 2002/0133248), hereinafter “Fay.” The rejection is traversed and reconsideration is respectfully requested.

Regarding the rejection of independent claim 1, it is noted that claim 1 recites, “A method for managing an **ENAV buffer**... comprising: **allocating** at least a portion of the ENAV buffer to be an updateable **markup area provided for ENAV files**.” In contrast, Fay teaches a method of creating **audio buffers** (Abstract, paragraph [0022], and paragraph [0084]), whereby an audio buffer is **generated** according to an audio buffer configuration file (paragraph [0089] and paragraph [0116]). First, Applicants note that an ENAV buffer is patentably distinct from an audio buffer. Specifically, an audio buffer receives, maintains, and processes only audio data (paragraph [0036]), as opposed to ENAV files. Accordingly, the audio buffer configuration information includes a buffer description (reference numeral 702 in FIG. 7) to generate a suitable audio buffer according to the requirements of corresponding audio data (paragraph [0036] and paragraph [0117]). In contrast, the ENAV buffer of the present claim is generated according to ENAV information. Second, Applicants note that allocating space in a buffer is patentably distinct from generating a new buffer. That is, while the present claim recites an allocation of a specific area of the buffer for storing ENAV files, Fay only discloses a generating of new buffers from a system’s resources as opposed to allocating space within a single buffer (paragraph

[0036]). Lastly, to the extent that each new buffer in Fay is updateable, Fay does not create the buffer areas as markup areas, as the areas are for non-markup audio data. The XML file cited by the Examiner (paragraph [0110]) as markup data is not stored in the buffer, but is configuration information. Therefore, the Applicants respectfully submit that Fay fails to disclose, implicitly or explicitly, a managing of an ENAV buffer whereby a portion of the ENAV buffer is allocated for ENAV files, as recited in claim 1.

Regarding the rejection of claims 2-6, it is noted that these claims depend from claim 1 and are, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that the bus configuration, cited by the examiner in Fay, relates to a communication path for the audio data (paragraph [0077], paragraph [0080], and paragraph [0085]). Applicants submit that one of ordinary skill in the art does not consider the allocation of an area of a buffer, as recited in claims 2-6, to be an inherent feature of the transmittal of audio data through a bus.

Regarding the rejection of claims 7-9, it is noted that these claims depend from claim 1 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 10, it is noted that this claim depends from claim 1 and is, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that the creating of audio effects, cited by the Examiner in Fay (paragraph [0064] and paragraph [0065]), does not relate to the management of a buffer or the allocating of an area in the buffer, as recited in claim 10.

Regarding the rejection of independent claim 11, it is noted that claim 11 recites a method for managing an **ENAV buffer** comprising “**allocating** at least a portion of the ENAV buffer to be an updateable **markup area provided for ENAV files.**” In contrast, Fay teaches a method of creating **audio buffers** (Abstract, paragraph [0022], and paragraph [0084]), whereby an audio buffer is **generated** according to an audio buffer configuration file (paragraph [0089] and paragraph [0116]). First, Applicants note that an ENAV buffer is patentably distinct from an audio buffer. Specifically, an audio buffer receives, maintains, and processes only audio data (paragraph [0036]), as opposed to ENAV files. Accordingly, the audio buffer configuration information includes a buffer description (reference numeral 702 in FIG. 7) to generate a suitable audio buffer according to the requirements of corresponding audio data (paragraph [0036] and paragraph [0117]). In contrast, the ENAV buffer of the present claim is generated according to ENAV information. Second, Applicants note that allocating space in a buffer is patentably

distinct from generating a new buffer. That is, while the present claim recites an allocation of a specific area of the buffer for storing ENAV files, Fay only discloses a generating of new buffers from a system's resources as opposed to allocating space within a single buffer (paragraph [0036]). Lastly, to the extent that each new buffer in Fay is updateable, Fay does not create the buffer areas as markup areas, as the areas are for non-markup audio data. The XML file cited by the Examiner (paragraph [0110]) as markup data is not stored in the buffer, but is configuration information. Therefore, the Applicants respectfully submit that Fay fails to disclose, implicitly or explicitly, a managing of an ENAV buffer whereby a portion of the ENAV buffer is allocated for ENAV files, as recited in claim 11.

Regarding the rejection of claims 12-16, it is noted that these claims depend from claim 11 and are, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that the bus configuration, cited by the examiner in Fay, relates to a communication path for the audio data (paragraph [0077], paragraph [0080], and paragraph [0085]). Applicants submit that one of ordinary skill in the art does not consider the allocation of an area of a buffer, as recited in claims 12-16, to be an inherent feature of the transmittal of audio data through a bus.

Regarding the rejection of claims 17-19, it is noted that these claims depend from claim 11 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 20-23, it is noted that these claims depend from claim 1 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of independent claim 24, it is noted that claim 24 recites a method of managing a buffer comprising: "**allocating** the buffer to include an updateable **markup** area for an updateable type of interactive file... using the interactive data." In contrast, Fay teaches a method of creating **audio buffers** (Abstract, paragraph [0022], and paragraph [0084]), whereby an audio buffer is **generated** according to an audio buffer configuration file (paragraph [0089] and paragraph [0116]). First, Applicants note that a buffer having an area for an interactive file is patentably distinct from an audio buffer. Specifically, an audio buffer receives, maintains, and processes only audio data (paragraph [0036]), as opposed to interactive files. Though the audio may correspond to data that is controlled by a user, the audio itself is not interactive. Rather, the data that is controlled by a user is the interactive data (such as video data that is rendered according to a user's controls in a video game). Second, Applicants note that allocating space in a buffer is patentably distinct from generating a new

buffer. That is, while the present claim recites an allocation of a specific area of the buffer for storing an updateable type of interactive file, Fay only discloses a generating of new buffers from a system's resources as opposed to allocating space within a single buffer (paragraph [0036]). Lastly, to the extent that each new buffer in Fay is updateable, Fay does not create the buffer areas as markup areas, as the areas are for non-markup audio data. The XML file cited by the Examiner (paragraph [0110]) as markup data is not stored in the buffer, but is configuration information. Therefore, the Applicants respectfully submit that Fay fails to disclose, implicitly or explicitly, a managing of a buffer whereby a portion of the buffer is allocated, as recited in claim 24.

Regarding the rejection of claim 25, it is noted that this claim depends from claim 24 and is, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that the bus configuration, cited by the examiner in Fay, relates to a communication path for the audio data (paragraph [0077], paragraph [0080], and paragraph [0085]). Applicants submit that one of ordinary skill in the art does not consider the determining of the size of an area of a buffer, as recited in claim 25, to be an inherent feature of the transmittal of audio data through a bus.

Regarding the rejection of claims 26-31, it is noted that these claims depend from claim 25 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 32, it is noted that this claim depends from claim 24 and is, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that the bus configuration, cited by the examiner in Fay, relates to a communication path for the audio data (paragraph [0077], paragraph [0080], and paragraph [0085]). Applicants submit that one of ordinary skill in the art does not consider the allocation of an area of a buffer, as recited in claim 32, to be an inherent feature of the transmittal of audio data through a bus.

Regarding the rejection of claims 33-40, it is noted that these claims depend from claim 32 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claims 41-48, it is noted that these claims depend from claim 24 and are, therefore, allowable for at least the reasons set forth above.

Claims 1-48 are rejected under 35 U.S.C. §102(e) as being anticipated by Billingsley et al. (U.S. Patent 6,999,987), hereinafter "Billingsley." The rejection is traversed and reconsideration is respectfully requested.

Regarding the rejection of claims 1-48, it is noted that these claims relate to management of a buffer in which a portion of the buffer is allocated. In contrast, Billingsley teaches a method and system that qualifies a respondent to participate in surveys by applying different weights to a plurality of surveys according to a characteristic of the respondent (Abstract; column 3, lines 44-66; and column 17, lines 50-55). While the queues of surveys and databases of respondent information may be implemented by a server (reference numeral 210 of FIG. 2, and column 9, lines 7-50), Billingsley does not relate to the management of a buffer, nor does Billingsley disclose allocation of a portion of a buffer. Specifically, Applicants note that managing a buffer and allocating a portion of a buffer is patentably distinct from assigning weights to queues of surveys. Therefore, the Applicants respectfully submit that Billingsley fails to disclose, implicitly or explicitly, a managing of a buffer, as recited in claims 1-48.

Claims 1-48 are rejected under 35 U.S.C. §102(e) as being anticipated by Joshi et al. (U.S. Patent 7,299,409), hereinafter "Joshi." The rejection is traversed and reconsideration is respectfully requested.

Regarding the rejection of claims 1-48, it is noted that these claims relate to management of a buffer in which a portion of the buffer is allocated. In contrast, Joshi teaches a method of asynchronously updating rendered content from a server, whereby the content is slow-loaded such that when an update is needed, the server terminates delivery thereof to trigger the client to automatically request a reloading of the content (Abstract). While the content may be loaded into a buffer (column 10, line 38), and a portion of that content is updateable (column 4, lines 36-52), Joshi does not disclose any method of managing the buffer. In particular, Joshi does not disclose a buffer in which a particular area of the buffer is allocated according to buffer configuration information (claims 1-23) or interactive data (claims 24-47). Applicants note that managing a buffer and allocating a portion of a buffer according to configuration information or interactive data is patentably distinct from the simple storage of data in a buffer. Therefore, the Applicants respectfully submit that Joshi fails to disclose, implicitly or explicitly, a managing of a buffer according to buffer configuration information or interactive data, as recited in claims 1-48.

Claims 1-48 are rejected under 35 U.S.C. §102(b) as being anticipated by Nakabayashi et al. (U.S. Patent 5,905,866), hereinafter "Nakabayashi." The rejection is traversed and reconsideration is respectfully requested.

Regarding the rejection of claims 1-48, it is noted that these claims relate to management of a buffer in which a portion of the buffer is allocated. In contrast, Nakabayashi teaches a method of managing data such that only new (i.e., difference) data is stored (Abstract and Summary, for example, column 5, lines 20-35, "...specify a non-coincident portion of the received data"). While some of the stored data is the difference data, Nakabayashi does not disclose any method of managing a buffer and allocating a particular area of the buffer according to buffer configuration information (claims 1-23) or interactive data (claims 24-47). The Examiner cites a "portion" of the data in Nakabayashi as corresponding to a "portion" of the buffer. However, Applicants note that a buffer is patentably distinct from data, and therefore a portion of a buffer is distinct from a portion of data. Furthermore, while the difference data of Nakabayashi is stored, Nakabayashi does not teach a method of allocating a portion of the storage medium according to configuration information or an interactive file. Therefore, the Applicants respectfully submit that Nakabayashi fails to disclose, implicitly or explicitly, a managing of a buffer according to buffer configuration information or interactive data, as recited in claims 1-48.

Claims 1-48 are rejected under 35 U.S.C. §102(b) as being anticipated by Bonomi et al. (U.S. Patent 6,769,127), hereinafter "Bonomi." The rejection is traversed and reconsideration is respectfully requested.

Regarding the rejection of claims 1-48, it is noted that these claims relate to management of a buffer in which a portion of the buffer is allocated according to buffer configuration information or interactive data. In contrast, Bonomi teaches a method of managing a storage area whereby old data is deleted from the storage area in order to accommodate a size of new program data that is determined according to the length of the corresponding program (column 10, lines 24-55). That is, while the present claims allocate an area of the buffer according to configuration information, Bonomi clears content from a buffer (or cache) according to configuration information. Therefore, the Applicants respectfully submit that Bonomi fails to disclose, implicitly or explicitly, an allocating of an area of a buffer according to buffer configuration information or interactive data, as recited in claims 1-48.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the

application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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